

VIRGINIA:

BEFORE THE BOARD OF VETERINARY MEDICINE

IN RE: AYMAN A. SALEM, D.V.M.
License No.: 0301-201313
Case No.: 138559

CONSENT ORDER

The Virginia Board of Veterinary Medicine ("Board") and Ayman A. Salem, D.V.M., as evidenced by his signature hereto, enter into the following Consent Order affecting Dr. Salem's license to practice veterinary medicine in Virginia.

On August 22, 2012, an informal conference was held before a Special Conference Committee composed of Mark A. Johnson, D.V.M. and Taryn Singleton, L.V.T., of the Board to inquire into evidence that Ayman A. Salem, D.V.M., may have violated certain laws and regulations governing the practice of veterinary medicine in Virginia. Dr. Salem was present and was represented by counsel. Dr. Salem appealed the decision of the informal conference. Dr. Salem, by his attorney, Michael E. Thorsen, Esq., waived notice of the formal hearing scheduled by the Board for October 17, 2012.

In lieu of proceeding to a formal hearing, the Board and Dr. Salem, as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Dr. Salem to practice veterinary medicine in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Ayman A. Salem, D.V.M., was issued License No. 0301-201313 to practice veterinary medicine by the Virginia Board of Veterinary Medicine on July 8, 2004. Said license is set to expire on December 31, 2012.

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2. On April 7, 2011, during his employment with Silver Spring Veterinary Hospital, Winchester, Virginia, Dr. Salem amputated the leg of "Tilly," a feline, when other, less extreme measures were options.

a. Dr. Salem's diagnosis and recommendation for amputation was based upon only one radiographic view of the injury. Multiple radiographic views were needed to assess the extent of the fracture.

b. Dr. Salem informed Tilly's owners that costly surgery or amputation were the only alternatives, when, in fact, splinting was another option.

3. Dr. Salem examined Tilly on April 5, 2011, and set a date for surgery for April 7th. Although Tilly was injured and experiencing pain, Tilly was left unattended at Dr. Salem's veterinary hospital from April 5th until the morning of April 7th. There was no provision for administering pain medication and/or antibiotics to Tilly during that time period. In addition, the fracture was not stabilized.

4. In amputating Tilly's leg, Dr. Salem erred in amputating the leg at the hock. This choice of surgical site created future difficulties for Tilly in ambulation. In addition, Tilly did not heal well from the initial amputation and subsequently required full limb amputation, at the standard amputation site, which was performed by another veterinarian.

CONCLUSIONS OF LAW

Finding of Fact No. 2 constitutes a violation of §54.1-3807(5) of the Code of Virginia (1950), as Amended ("Code"), and 18 VAC 150-20-140(6) and (7) of the Regulations Governing the Practice of Veterinary Medicine ("Regulations").

CONSENT

Ayman A. Salem, D.V.M., by affixing his signature hereon, agrees to the following:

1. Dr. Salem has been advised to seek advice of counsel prior to signing this document;

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2. Dr. Salem acknowledges that without his consent, no legal action can be taken against him except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;

3. Dr. Salem acknowledges that he has the following rights, among others: the right to a formal fact-finding hearing before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against him;

4. Dr. Salem waives all such right to a formal hearing;

5. Dr. Salem admits to the Findings of Fact and Conclusions of Law contained herein and waives his right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;

6. Dr. Salem consents to the entry of the following Order affecting his right to practice veterinary medicine in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Veterinary Medicine, effective upon entry of this Order, and in lieu of further proceedings, ORDERS that Ayman M. Salem, D.V.M., shall be assessed a MONETARY PENALTY of one thousand dollars (\$1,000) to be paid to the Board within ninety (90) days of the entry of this Order.

It is further ORDERED that Dr. Salem's license to practice veterinary medicine in the Commonwealth of Virginia be placed on INDEFINITE PROBATION, for not less than six (6) months, beginning on the date of entry of this Order, subject to the following terms and conditions:

1. Dr. Salem shall not perform surgery on any veterinary patients, unless the surgery is performed during a supervised, Board-approved continuing education training. Dr. Salem shall be permitted to perform emergency wound treatment and eliminate infection for purposes of stabilization and referral. "Surgery" is defined in accordance with 18 VAC 150-20-10 of the Regulations.

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2. Dr. Salem shall complete a minimum of twelve (12) hours of Board-approved, hands-on continuing education in the area of surgery. Dr. Salem shall submit documentation to the Board of satisfactory completion of the continuing education courses. These courses shall be in addition to the fifteen (15) continuing education hours required for renewal of his license.

3. Dr. Salem shall be subject to one unannounced inspection of the medical records for his veterinary practice, including records of non-surgical veterinary patients, to ensure his compliance with the terms of this Order. Dr. Salem shall make his veterinary and billing records available to the inspector/investigator. The inspector/investigator shall obtain and copy a random sample of ten (10) of Dr. Salem's patient records for patients treated after the date of entry of the Consent Order for review by the Board. Dr. Salem is solely responsible for the payment of the inspection fee in existence at the time of the inspection, to be paid to the Board within thirty (30) days of such inspection. Failure to pay the full fee shall constitute grounds for an administrative proceeding. In the event that the inspection reveals a possible violation of the laws or regulations pertaining to the practice of veterinary medicine in Virginia, the Board specifically reserves the right to conduct further proceedings in this matter.

4. Dr. Salem may petition the Board to end the terms and conditions of probation not less than six (6) months from the date this Order is entered. At such time as Dr. Salem shall petition the Board for termination of his probation, an administrative proceeding will be convened and the burden shall be on Dr. Salem to present evidence that he is capable of resuming the safe and competent practice of surgery.

Dr. Salem shall maintain a course of conduct in his capacity as a veterinarian commensurate with the requirements of § 54.1-3800 *et seq.* of the Code and the Regulations.

Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of veterinary medicine in the Commonwealth of Virginia shall constitute grounds for the suspension or

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revocation of the license of Dr. Salem and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying upon request.

FOR THE BOARD



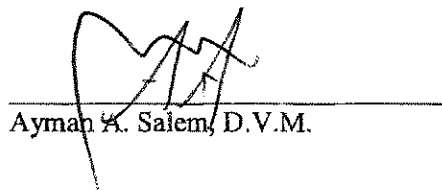
Leslie L. Knachel, M.P.H.

Executive Director

Virginia Board of Veterinary Medicine

ENTERED: October 24, 2012

SEEN AND AGREED TO:

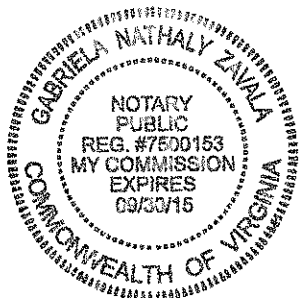

Ayman A. Salem, D.V.M.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Frederick, TO WIT:

Subscribed and sworn to before me, Gabriela N. Zavala, a Notary Public, this 18th day of October, 2012.

My commission expires September 30, 2015.

Registration Number 7500153.




NOTARY PUBLIC